IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Bail Appl..No. 4063 of 2007()

CRMP.3085/2007 of J.M.F.C.-II,PATHANAMTHITTA
EXCISE O.R. NO. 33/07 of KONNI RANGE

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PETITIONER/2ND ACCUSED

VIJAYAN, PALACHUVATTIL HOUSE,
ANGADICAL VADAKKU, KODUMON,
PATHANAMTHITTA.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS:

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1. THE EXCISE INSPECTOR, KONNI EXCISE RANGE.

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. P.N. SUKUMARAN, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2007, ALONG WITH B.A. NOS. 4068/07 & 4065/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.Nos.4063,4065 &
4068 Of 2007

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Dated this the 5th day of July, 2007

ORDER

Application for regular bail. Petitioner faces allegations under the Kerala Abkari Act in three crimes. In one crime, he was allegedly found to be in possession of 10 litres of spirit. In other two crimes, he is the 2nd accused and the allegation is that he had supplied illicit liquor to the Principal accused. The petitioner was arrested on 24.5.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. It is prayed that the petitioner who was in custody from 24.5.07, may now be enlarged on bail.

3. The learned Public Prosecutor opposes the application. The petitioner is the accused in many other crimes under the Abkari Act. He is also accused in crimes where he faces allegations under Secs.394 and 308 IPC. In these circumstances, bail may not be granted to the petitioner, submits the learned Public Prosecutor.

4. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner, only if this

Court is in a position to entertain the twin satisfactions under Sec.41A of the Kerala Abkari Act. In the facts and circumstances of the case, I am not able to entertain either of the two satisfactions.. I am satisfied that the Investigating Officer is entitled to reasonable further time to complete the investigation.

5. In the result this petition is dismissed. However I may hasten to observe that the petitioner shall be at liberty to move this Court for regular bail at later stages of investigation, not at any rate, prior to 16.07.07. The Investigators shall, in the mean time, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE